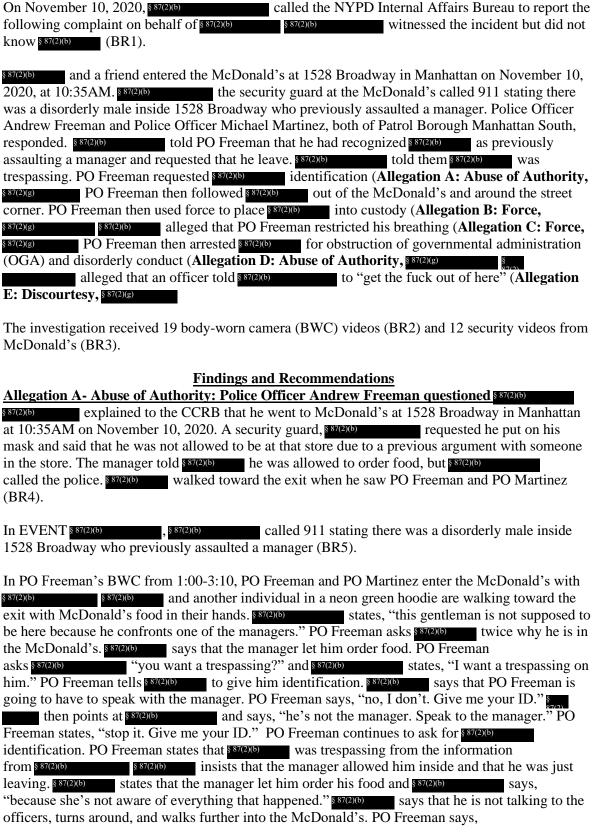
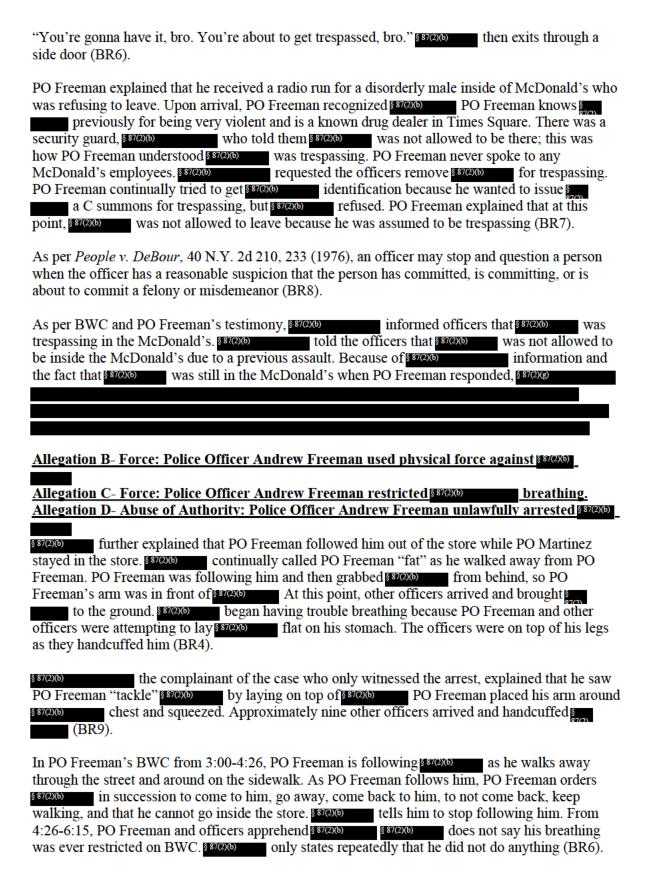
CCRB INVESTIGATIVE RECOMMENDATION

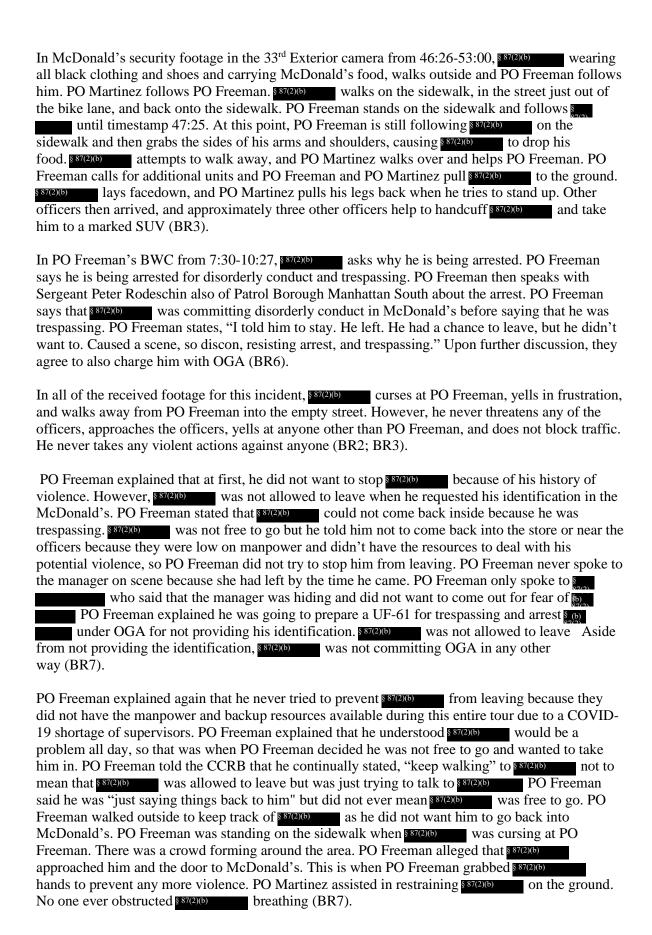
Investigator:		Team:	CCRB Case #:		Force	V	Discourt.	☐ U.S.
Lianne May		Squad #7	202007855	Г_	Abuse	_	O.L.	☐ Injury
Diamic Way		Squad II I	202007033	V	riouse		O.L.	
Incident Date(s)		Location of Incident:		P	Precinct:	18]	Mo. SOL	EO SOL
Tuesday, 11/10/2020 10:33 AM		in front of 1528 Broads	way		14	5/	10/2022	5/10/2022
Date/Time CV Reported		CV Reported At:	How CV Reported:	:	Date/Time	Rece	ived at CCI	RB
Tue, 11/10/2020 11:00 AM		IAB	Phone		Tue, 12/01	/2020	12:12 PM	
Complainant/Victim	Type	Home Addre	ess					
Witness(es)		Home Addre	ess					
Subject Officer(s)	Shield	TaxID	Command					
1. POM Andrew Freeman	29318	954826	PBMS					
2. An officer								
Witness Officer(s)	Shield N	o Tax No	Cmd Name					
1. POM Michael Martinez	26310	954104	PBMS					
2. SGT Peter Rodeschin	03411	931064	PBMS					
3. POM Steeve Juillet	27210	950651	PBMS					
4. POM James Arenella	19964	952419	PBMS					
5. POM Philip Siu	07496	955501	PBMS					
6. POM Andrew Bhagan	07525	956786	PBMS					
7. POM Steven Lancia	08781	939755	PBMS					
8. POM Adam Gutwein	04177	954904	PBMS					
9. POM Christopher Martinez	24897	955132	PBMS					
10. POM Jian Yu	11250	956343	PBMS					
11. POM Md Islamsarker	13050	955999	PBMS					
12. POM Wilkenson Pierre	10060	949486	PBMS					
13. POM Octavio Diaz	30832	953819	PBMS					
Officer(s)	Allegatio	on			Inve	stiga	tor Recon	nmendation
A.POM Andrew Freeman	Abuse: P	olice Officer Andrew Fi	reeman questioned	87(2)(1	b)			
B.POM Andrew Freeman	Force: Po	olice Officer Andrew Fre	eeman used physical	l for	ce			
C.POM Andrew Freeman		olice Officer Andrew Fre breathing.	eeman restricted § 870	2) (b)				
D.POM Andrew Freeman	Abuse: P	olice Officer Andrew Fi	reeman unlawfully a	irres	ted			
E. An officer	Discourte	esy: An officer spoke dis	scourteously to § 87(2)((b)				

Case Summary





CCRB CTS – Confidential Page 2



PO Freeman reviewed the above part of the 33rd Exterior camera in his CCRB interview and said that it showed the crowd of people that were approaching them. However, he amended his previous testimony to say that there was not a crowd, but only a few people (BR7).

was arrested under a first charge of obstructing governmental administration (OGA) under arrest \$87(2)(b)

PO Freeman explained that \$87(2)(b)

was arrested for disorderly conduct and OGA. His actions that constituted disorderly conduct were yelling, screaming, blocking traffic, being violent and threatening, and throwing his arms and hands in the air. PO Freeman did not remember what else he was saying, but \$87(2)(b)

was saying threatening statements (BR7).

As per Patrol Guide Procedure 221-01, force may be used when it is reasonable to ensure the safety of a member of the service or a third person, or otherwise protect life, or when it is reasonable to place a person in custody or to prevent escape from custody. In all circumstances, any application or use of force must be reasonable under the circumstances. In addition to many other factors, the presence of hostile crowd or agitators may be taken into consideration when using force (BR11).

According to New York CLS Penal §195.05, a person is guilty of obstructing governmental administration when he intentionally obstructs, impairs or perverts the administration of law or other governmental function or prevents or attempts to prevent a public servant from performing an official function, by means of intimidation, physical force or interference, or by means of any independently unlawful act, or by means of interfering, whether or not physical force is involved, with radio, telephone, television or other telecommunications systems owned or operated by the state, or a county, city, town, village, fire district or emergency medical service or by means of releasing a dangerous animal under circumstances evincing the actor's intent that the animal obstruct governmental administration (BR12).

According to New York CLS Penal 1 § 240.20, a person is guilty of disorderly conduct when he engages in fighting or in violent, tumultuous or threatening behavior, makes unreasonable noise, he uses abusive or obscene language, or makes an obscene gesture, disturbs any lawful assembly or meeting of persons, obstructs vehicular or pedestrian traffic, congregates with other persons in a public place and refuses to comply with a lawful order of the police to disperse, or creates a hazardous or physically offensive condition by any act which serves no legitimate purpose (BR13).

PO Freeman explained to the CCRB that \$87(2)(b) was arrested for OGA only because he refused to provide his identification to PO Freeman. PO Freeman testified that \$87(2)(b) was not free to
leave when he asked \$87(2)(6) for his identification, but also acknowledged that once \$87(2)(6)
exited the McDonald's, he did not immediately prevent him from leaving or arrest him, told to keep walking, and told him not to come back to McDonald's or come near the
officers. Based on PO Freeman's actions after [857(2)(b)] left the McDonald's, the investigation determined that [857(2)(b)] leaving the McDonald's without providing his identification did not
rise to the level of OGA. In addition, PO Freeman said that he arrested \$87(2)(b) for disorderly
conduct for allegedly yelling, screaming, blocking traffic, being violent and threatening, and throwing his arms and hands in the air while a crowd formed. As per video footage and PO
Freeman's testimony, a crowd did not form, and \$87(2)(6) actions were not disorderly as PO Freeman or New York CLS Penal 1 § 240.20 describe. \$87(2)(9)
· ·

§ 87(2)(g)						
alleged in his CCRB interview that and security footage, no officers were in positi						
		27				
Allegation E- Discourtesy: An officer spoke alleged that there was an "un uniformed officers. This alleged undercover of explained that he believed this may with the other officers. The "undercover" office here, just get away from here" (BR9).	dercover" male officer who was fficer was a tall Black male wear ale was an undercover officer be	ring a small hat.				
In PO Freeman's first BWC 6:15-6:30 (BR6), older, light skinned black male, who is not tak with the officers on scene, states, "shut up and states, "I'm sticking up for this make shit."	ing any police enforcement action get out of hereget the fuck ou	on and not standing				
In his CCRB interview, PO Freeman viewed the BWC and did not know who that person was.						
§ 87(2)(g)						
 Civilian and Of This is the first CCRB complaint to will This is the first CCRB complaint to will Police Officer Andrew Freeman has be a subject in two CCRB complaints and 	hich [87(2)(0) has been a pa een a member of service for eigh	ht years and has been				
Mediation, Civil, and Criminal Histories						
[§ 87(2)(b)] [§§ 86(1)(3)&(4)] [§ 87(2)(c)]						
 As of February 9, 2022, the New York Notice of Claim being filed in regards 		has no record of a				
Squad:7						
Investigator: Lianne May Signature	Investigator Lianne May Print Title & Name	February 17, 2022 Date				
~ million	Manager Vanessa Rosen	2/18/2022				

Squad Leader:			
•	Signature	Print Title & Name	Date
Reviewer:			
	Signature	Print Title & Name	Date